

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

\
DANIEL ARTHUR HELEVA, : **CIVIL ACTION NO. 1:07-CV-1398**
: **Petitioner** : **(Judge Conner)**
:
v. :
:
WARDEN MRS M. BROOKS, and :
PA STATE ATTORNEY GENERAL, :
:
Respondents :
:

ORDER

AND NOW, this 23rd day of August, 2013, upon consideration of petitioner's pending motions (Doc. 55, 56), and after review of the pertinent portions of the record submitted to date (Docs. 48-1, 48-2; Doc. 49, at 6-50; Doc. 52-1, 52-2, 52-3, Doc. 54, at 6-13; Doc. 66, at 6-28), and it being evident that, with the exception of limited docket entries (Doc. 54, at 6-9, 11), correspondence from Judge John J. Rufe, Sr., dated November 29, 2001 (Doc. 54, at 10), and an October 24, 2012 Order of the Pennsylvania Supreme Court denying petitioner's petition for writ of mandamus (Doc. 56, at 15), the record is devoid of any documentation or information concerning disposition, if any, related to petitioner's pursuit of Post Conviction Collateral Relief since the reinstatement of his direct appeal rights on April 21, 2010, it is hereby ORDERED that:

1. Respondents shall EXPAND the record by FILING the following documents on or before September 30, 2013. See R. GOVERNING § 2254 CASES R. 7(a):
 - a. Any and all petitions, motions, orders, opinions, and correspondence related to the “Motion for Protective Abeyance of Second PCRA motion” docketed in the Court of Common Pleas of Monroe County on May 11, 2011. (Doc. 54, at 8.)
 - b. Any and all petitions, motions orders, opinions, and correspondence related to the “Amended Petition for Post Conviction Collateral Relief” docketed in the Court of Common Pleas of Monroe County on June 27, 2012. (Doc. 56, at 16.)
 - c. Any and all applications, petitions, orders, opinions, and correspondence related to the “Application for Leave to File Original Process in the Supreme Court of the PA Middle District” filed in the Pennsylvania Supreme Court on August 3, 2012, and docketed in the Court of Common Pleas of Monroe County on August 6, 2012. (Doc. 56, at 12, 16.)
2. Respondents shall SUBMIT on or before September 30, 2013, a supplemental response addressing the impact of the above filings on the statute of limitations.
3. Petitioner may FILE a reply to respondents’ supplemental response on or before October 15, 2013.
4. Petitioner’s motion for leave of discovery and expansion of the record (Doc. 56) is DENIED.
5. Petitioner’s motion for summary judgment and nominal bail pending evidentiary hearing (Doc. 55) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge